

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Paul DiCarlo et al.	Art Unit :	3736
Serial No. :	10/728,248	Examiner :	Rene T. Towa
Filed :	December 4, 2003	Conf. No. :	7802
Title :	MEDICAL INSTRUMENT		

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated May 21, 2009, finally rejecting claims 1 and 4-33.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 2 months to and including October 21, 2009 is enclosed.

Please apply \$540 for the appeal fee, and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 21, 2009

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